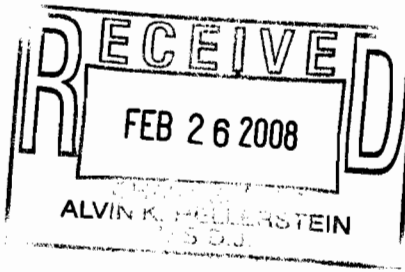


# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich  
New York Orange County Rome San Diego Silicon Valley Washington, D.C.  
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February 25, 2008

## VIA HAND DELIVERY

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

A suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.



Alvin K. Hellerstein, U.S.D.J.  
Date: 2/26/08

Re: Building Service 32BJ Health Fund *et al* v. 76-66 Austin Owners Corp. *et al*  
07 CV 08380 (AKH)

Dear Judge Hellerstein:

Our firm represents Defendants, 76-66 Austin Owners Corp. *et al*, in the above-referenced matter, and we write on behalf of both parties to respectfully request that the conference that is presently scheduled on February 29, 2008 be adjourned.

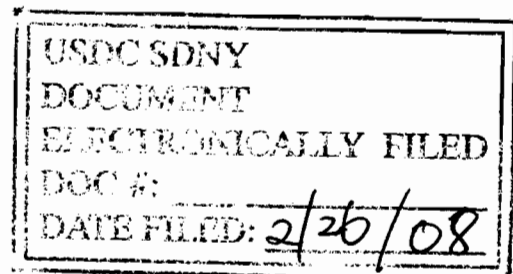
This request for adjournment is being made because the parties have reached a settlement and are in the process of memorializing the agreement. Accordingly, we respectfully state that an initial conference is unnecessary. This request represents the second request for an adjournment of this conference. The previous request was made by Plaintiffs' attorney, Michael Geffner, because the parties were in the midst of settlement discussions.

We appreciate the Court's attention in this regard.

Respectfully submitted,



Leslie J. New



cc: Michael E. Geffner, Esq. (via electronic mail)